

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

THE EXPORT-IMPORT BANK OF THE REPUBLIC OF CHINA,)	
)	
)	MOTION TO DISMISS WITHOUT PREJUDICE THE OBJECTION TO SUBPOENA
)	
Plaintiff,)	
v.)	
)	Misc. Action No.: 7:04-mc-00051-jct
REPUBLIC DU NIGER,)	
)	
Defendant.)	Case No.: 97 CIV 3090 (LAK) UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
)	

NOW COMES, FIRST NATIONAL BANK, by counsel, and respectfully submits this Motion to Dismiss Without Prejudice its Objection to Subpoena, filed in the above captioned matter on December 21, 2004.

The Plaintiff has not responded to First National Bank's Objection to Subpoena, nor has the Plaintiff attempted to enforce said subpoena. Therefore, the Objection to Subpoena has become moot at this time.

First National Bank reserves its right to re-file its objection should circumstances warrant.

This the 6th day of October 2005.

FIRST NATIONAL BANK,

By Counsel

/s/ Scott C. Wall
Scott C. Wall (VSB No.: 47508)
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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2005, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Scott C. Wall, and I hereby certify that I have mailed the foregoing document to the following non-CM/ECF participants:

Paul E. Summit (PS 6263)
Andrew T. Solomon (AS 9200)
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*Counsel for Plaintiff The Export-Import Bank of
The Republic of China*

This 6th day of October, 2005.

/s/ Scott C. Wall
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